



## Arlington Zoning Board of Appeals

**Date:** Saturday, December 26, 2020  
**Time:** 7:30 PM  
**Location:** Conducted by Remote Participation  
**Additional Details:** Created from meeting from May 26, 2020

### Agenda Items

#### Administrative Items

##### 1. **Zoom Meeting Details**

Zoom2 Town of Arlington is inviting you to a scheduled Zoom meeting.

Topic: Zoning Board of Appeals

Time: July 14, 2020 07:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://zoom.us/j/123456789>

Meeting ID: 963 0109 6828

One tap mobile

+16468769923,,96301096828# US (New York)

##### 2. **Members Vote: Approval of Meeting Minutes**

Approval of Meeting Minutes from ZBA remote hearing on May 12, 2020

##### 3. **Members Vote: Approval of Decision Regarding 84 Oxford Street, Docket # 3620**

##### 4. **Discussion of Administrative Processes and Procedures**

#### Hearings

##### 5. **Docket #3619 - 40 Park Avenue**

Special Permit under Section 5.40 (Districts and Uses) (40 Park Avenue is a continued hearing from February 25, 2020)

Public Comment

#### Comprehensive Permits

##### 6. **Docket #3515: Arlington Land Realty LCC (continuation)**

Arlington Land Realty LLC is seeking approval of the things...

Due to overwhelming interest in this project, we anticipate we will need to limit public comment to 2 minutes each...

Includes are the plans....



## Town of Arlington, Massachusetts

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### Members Vote: Approval of Meeting Minutes

#### Summary:

Approval of Meeting Minutes from ZBA remote hearing on May 12, 2020

#### ATTACHMENTS:

Type	File Name	Description
<input checked="" type="checkbox"/> Meeting Minute (draft)	05122020MeetingMinutesDraf.pdf	Draft Meeting Minutes from 5/12/2020



BOARD OF APPEALS

Town of Arlington

Arlington, Massachusetts 02476

51 Grove Street  
Telephone (781) 316-3396

DRAFT

**Date:** May 12, 2020

**Time:** 7:30 PM

**Location:** Remote Hearing, Zoom ID # 920 6494 5570

**Minutes:**

Attendance: Christian Klein R.A., Chair, Roger DuPont Esq, Shawn O'Rourke, Esq, Kevin Mills, Steve Revilak, Aaron Ford, Peter Buckley, Legal, Richard Vallarelli, Administrator, Lee Teebagy, Thomas Teebagy, Chris Loret, Don Seltzer.

1) Mr. Klein, Chair, opened the meeting and asked all to identify themselves. He welcomed our new associate member Mr. Aaron Ford. After reviewing the rules for remotely conducted meetings, the meeting got underway.

2) **Docket # 3620 84 Oxford Street:** Mr. Klein gave a brief history of the request for the Special Permit. After Mr. Klein's remarks, the petitioners were invited to speak. Thomas Teebagy and his wife plan on moving into the property to assist with Mr. Teebagy's elderly mother. The house is in minor disrepair and needs some work. The plan was to increase the living space of the structure by way of a dormer addition. Because the property did not meet the "Open Space Usable" criteria, a Special Permit would be required. Mr. Klein asked if there were any questions from the audience. Mr. Loret questioned the advertising protocol, roof pitch, and section of Zoning Bylaw. All of Mr. Loret's concerns were duly noted. At the end of the hearing the Board found in favor of the request and approved the Special Permit with conditions. (see "Decision of the Board" for details)

**SO VOTED: 5-0**

3) **Members Vote:** Acceptance of Meeting Minutes from ZBA remote hearing on April 14, 2020. After a motion to approve the Meeting Minutes was made by Mr. DuPont, the Board agreed and the minutes were approved. Mr. Klein noted that once the minutes are approved, they

could be deleted from the town server. Mr. Hanlon expressed approval of the minutes prior to this hearing.

**SO VOTED: 5-0**

**4) Members Vote:** Approval of Decision for 41 Westminster Avenue. The draft decision was edited for accuracy and re-submitted to the members for their review. Mr. Klein reported that the request was in fact for a Variance not a Special Permit. Mr. O'Rourke made a motion to approve, Mr. Mills seconded. Mr. Hanlon previously approved the edits.

**SO VOTED: 5-0**

**5) Comprehensive Permits:** Mr. Klein presented an update on Thorndike Place. The Board felt that due to the complexity and popularity of this project, it would be very difficult to hear this case remotely. Mr. Revilak had questions but told the Board that he would submit them via e-mail to the Chair. Mr. DuPont and Mr. O'Rourke expressed their desire to meet with the town's special counsel to discuss the project. Mr. Klein reported that after a discussion with Mr. Heim, they expect that the petitioner may want to move forward via Zoom. Mr. Mills suggested that the hearing be held outdoors similar to the Town Meeting format. Mr. Buckley reported that the town has retained a company (BETA Group) that is proceeding with testing and additional traffic studies. Mr. Klein reported that at this time we are waiting for Governor Baker's decision regarding public meetings. The hearing is scheduled for June 9, 2020 and as of today May 15, 2020, the hearing has not been postponed.

**6) Postponed Hearings:** Mr. Klein presented an update of the hearings that were scheduled prior to the Covid emergency. Some would have to be re-advertised but some could go forward. The Board set a tentative date of May 26, 2020 for the next hearing. Please refer to Agenda for details.

At 9:30 PM, Mr. Klein asked for a motion to adjourn. Mr. Mills made that motion, Mr. O'Rourke seconded.



## Town of Arlington, Massachusetts

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### Docket #3619 - 40 Park Avenue

#### **Summary:**

Special Permit under Section 5.40 (Districts and Uses) (40 Park Avenue is a continued hearing from February 25, 2020)

#### Public Comment

#### **ATTACHMENTS:**

Type	File Name	Description
<input checked="" type="checkbox"/> Application for Building (1 or 2 Family Dwelling)	Transmittaltr_3_19_2020.pdf	Fake Record for testing
<input checked="" type="checkbox"/> Application for Electrical Work	ALRResponse_CompletenessRe.pdf	Alternate record for testing

March 19, 2020

Via Email and First Class Mail

Christian Klein, Chair  
Town of Arlington  
Arlington Zoning Board of Appeals  
51 Grove Street  
Arlington, MA 02476

**RE: ZBA Docket #3515  
Thorndike Place, Arlington, MA**

Dear Chair Klein and Members of the Board,

In connection with the continuation of the public hearing scheduled for April 14, 2020, Applicant Arlington Land Realty LLC (“ALR”) looks forward to working with the Board in continuing presentation of the Thorndike Place housing development in accordance with M.G.L. c.40B. In advance of the continued public hearing, we are providing the Board with ALR’s response to the Board’s completeness review memo. The enclosed response also includes the updated Preliminary Site Plan set prepared by the project engineers at BSC and the updated Preliminary Architectural Plan set prepared by Arthur Klipfel, project architect. Hard copies of these plans sets are being sent directly to the Board by the project engineer and project architect. Please note that this submission is made via electronic pdf transmission, as requested by the Town’s Coronavirus Update of March 15, 2019. Hard copies of the filing are also being sent via first class mail, due to the restricted public access to Town Hall.

To date, we have not been advised whether the Board has contracted with a third-party peer review firm; should a peer reviewer have been designated, kindly advise so that we may directly provide a set of the updated site plans for its review. A check for the peer review fee is being separately sent under separate cover.

We look forward to continuation of the public hearing to present the Thorndike Place project to the Board. Should you have any questions, please do not hesitate to contact me.

Sincerely yours,

/Stephanie A. Kiefer/

Stephanie A. Kiefer

**SMOLAK & VAUGHAN LLP**

Encl.

Cc:    Paul Haverty, Esq.  
      Doug Heim, Esq.  
      Jon Witten, Esq.

**MEMORANDUM**

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To: Arlington Zoning Board of Appeals  
Fr: Stephanie Kiefer, Esq.  
Re: Response to Completeness Review Memo, Thorndike Place, Arlington, MA  
Date: March 18, 2020

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**I. Background: Thorndike Place 40B Application**

ALR's Comprehensive Permit Application was filed with the Board on September 1, 2016. On September 30, 2016, Board opened the public hearing and, on October 6, 2016, issued a written notice that it sought to invoke the 1.5% general land area minimum ("GLAM") safe harbor under M.G.L. c.40B and 760 CMR 56.03(3)(b). Thereafter, the Applicant filed its written objections with the Board and the Department of Housing and Community Development ("DHCD"). Upon review, DHCD ruled that the Town had not satisfied the 1.5% GLAM threshold. From the DHCD's determination, the Board filed a *de novo* interlocutory appeal with the Housing Appeals Committee ("HAC") on December 6, 2016. Upon the filing of its appeal with the HAC, the public hearing process before the Board was stayed pursuant to 760 CMR 56.03(8)(c).

Within the HAC appellate process, both parties had an ability to provide relevant evidence and expert testimony regarding the Town's position that it had achieved the 1.5% GLAM threshold. Subsequent to a two-day hearing, after which the parties were presented the opportunity to file post-hearing briefs and response briefs, the Committee issued its written Decision on October 15, 2019, which decision concluded that the Board had not attained the 1.5% statutory minimum to invoke the GLAM safe harbor. As a result, the application was remanded to this Board to continue the public hearing process. The continued public hearing before the Board recommenced on December 10, 2019.

In moving forward in the hearing process, while local bylaws may have been revised since the filing of the ALR's Comprehensive Permit application, Chapter 40B and its regulations plainly require that the project to be reviewed under those "local requirements and regulations" that were in effect at the time of the application's submittal to the Board. *See* 760 CMR 56.02 ("Local requirements and regulations," defined as those in effect at the time of the Project's application to the Board).<sup>1</sup> A copy of the Arlington Zoning Ordinance in effect at the time of the application is enclosed for the Board's file on this application at Attachment A. We note that the Town re-codified the Zoning Bylaw in 2018, but the Zoning Bylaw under which the project is to be reviewed is the Zoning Bylaw enclosed herein.

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<sup>1</sup> *See also Paragon Residential Properties, LLC v. Brookline*, No. 04-16, slip op. at 45 (Mass. Housing Appeals Committee Mar. 26, 2007); *Meadowbrook Estates Ventures, LLC v. Amesbury*, No. 02-21, slip op. at 12 (Mass. Housing Appeals Committee Dec. 12, 2006); *Northern Middlesex Housing Associates v. Billerica*, No. 89-48, slip op. at 11 (Mass. Housing Appeals Committee Dec. 3, 1992).

## **II. Completeness Review Summary and Responses**

Below please find the Applicant's responses to the Completeness Review memorandum prepared by the Board's special counsel concerning the Thorndike Place 40B Application. With respect to Completeness Review memorandum, it is Applicant's position that the application materials filed with the Board on September 1, 2016 comport with the filing requirements of Chapter 40B, and to the extent that local regulations in effect as of that date requested supplemental information, a timely request to waive the same was included within the original application. Please refer to Tab 5 of the Comprehensive Permit application, pp. 12-15<sup>2</sup>. In response to the Completeness Review and to provide the Board with updated plans, as had been discussed at the December 10 public hearing, the Applicant states as follows:

### Project Eligibility Documentation – Section 3.2.1<sup>3</sup>

The Completeness Review memo states that the application contained no evidence of Applicant being a limited dividend entity

*Response:* The Project Eligibility Letter issued by MassHousing, dated Dec. 5, 2015, confirms that Applicant has met general eligibility standards under the New England Fund housing subsidy program and that Applicant had entered into Acknowledgement of Obligations to restrict its profits. Specifically, by Finding F of the Project Eligibility letter, MassHousing confirms that Applicant will satisfy limited dividend entity. A copy of the Project Eligibility letter can be found in the original Application at Tab 4. Pursuant to 760 CMR 56.04(6), the Board has no authority to question the finding of the Project Eligibility Letter; it states “[i]ssuance of a determination of Project Eligibility *shall be* considered by the Board... *to be conclusive evidence* that the Project and the Applicant have satisfied the project eligibility requirements of 760 CMR 56.04(1).” In other words, the subsidizing agency's determination is conclusive.

### Preliminary Site Plans – Section 3.2.5

The Completeness Review memo states that the preliminary site plans do not adhere to certain requirements and otherwise not subject to scaling.

*Response:* See revised preliminary site plans set titled “Thorndike Place Comprehensive Permit, Dorothy Road, Arlington, Massachusetts”, prepared by BSC Group, Inc. (“BSC”), dated March 13, 2020. Attachment B. The revised site plans were also submitted directly by BSC to the Board's administrator via email on March 16, 2020.

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<sup>2</sup> As referenced in the Comprehensive Permit Application, Tab 5, Applicant sought waivers from certain provisions contained in Sections 3.1, 3.2, 3.2.5, 3.2.7, 3.2.13, 3.2.14 and 3.2.15 of the local 40B regulations. An updated waiver list is attached hereto as Attachment F.

<sup>3</sup> The Section references in Applicant's response correspond to those references of the local 40B regulations referenced in the Completeness Review memo. .

The plan set includes a Title Sheet (Sheet G-100); General Notes and Legend (Sheet G-101); Existing Conditions Plan (Sheet V-100); Existing Environmental Resources Plan (Sheet C-100); Overall Site Plan (Sheet C-101); Layout, Materials and Landscape Plan (Sheets C-102, C-103); Grading and Drainage Plan (Sheet C-104, C-105); Utility Plan (Sheets C-106, C-107); and Civil & Landscape Details (C-200). As reflected in the notes, the attached site plans were prepared upon BSC's on-the-ground survey conducted during December 2019 and January 2020, as well as upon its wetlands delineation completed on January 15, 2020.

**Report on Existing Site Condition – Section 3.2.6**

The review memo states generally that the site conditions report is incomplete and/or in inconsistent with Section 3.2.6 requirements.

*Response:* As reflected by 760 CMR 56.05(2)(b) and Section 3.2.6 of the local regulation, to the extent not waived, information on existing site conditions may be combined with the preliminary site plans. Please refer to the Locus Plan, Existing Conditions Plan, Existing Environmental Resource Plan, as attached hereto at Attachment B. See also *Application for Comprehensive Permit – Thorndike Place*, Part III, pp. 14-15 and accompanying photographs to application, filed with the Board on September 1, 2016.

**Preliminary Scaled Architectural Drawings – Section 3.2.7**

The review memo generally states architectural plans are not complete and/or not consistent with local requirements, but without specificity of alleged incompleteness.

*Response:* Attached at Attachment C are updated preliminary architectural drawings, signed and stamped by Arthur Klipfel. The updated preliminary architectural plan set includes nine (9) sheets: Overall Site Plan (Sheet C-2.0); Site Section sheet; Typical Building Elevations (Main Building); Typical Unit Plans (Main Building) (plans at 1/4" = 1'); Typical Floor Plans (Main Building); Typical Plans and Elevations (Town Houses) (plans at 1/8" = 1'); Building Section; Garage and Parking Plans; and Building Layout.

**Utility Plans – Section 3.2.9**

The completeness review memo alleged that utility plans lacked certain information and that the plans were illegible.

*Response:* Please refer to the revised site plans attached hereto at Attachment B, with specific reference to Sheets G-101 (General Notes); C-104 and C-105 (Grading and Drainage); C-106 and C-107 (Utility Plan).

**Recreation and Open Space Amenities – Section 3.2.10**

The memorandum alleged the information was not complete, illegible and without scale.

*Response:* Please refer to the revised site plans attached hereto at Attachment B, with specific reference to Sheets G-101 (General Notes); C-101 and C-102 (Layout, Materials and Landscaping); and C-200 (Details).

**List of Exemption – Section 3.2.11**

The completeness memo objects to requests for blanket waivers from local wetlands..

*Response:* Waiver lists typically are updated throughout public hearing process to address changes to plans. A revised waiver list is enclosed herein at Attachment F, but the final waiver list is expected to be forthcoming once substantive review of the project plans have advanced through the peer review process and a final design is locked in based on considerations and items addressed within such review.

**Pro Forma – Section 3.2.12**

The completeness memo states that a complete pro forma was not included.

*Response:* The project's pro forma, setting out proposed costs and revenues, was included within the Project Eligibility application at Section V, pp. 14-16, a copy of which was provided to the Town. An additional copy of Section V is provided herein at Attachment D. In accordance with 760 CMR 56.05(6), pro forma review is not permitted to be undertaken by the Board unless, if nearing closing of public hearing, the Board has provided draft conditions to Applicant and Applicant has disputed proposed conditions or waiver denials. The Board cannot otherwise undertake review of financials. *See White Barn Lane, LLC v. Norwell Zoning Board of Appeals*, Decision, HAC Docket No. 08-05 (Decision dated July 18, 2011).

**Impact Analysis (Environmental and Municipal Facilities)– Section 3.2.13 and 3.2.15**

The completeness memo asserts that no impact analysis was provided.

*Response:* An impact analysis is not required under Chapter 40B or its implementing regulation at 760 CMR 56.05. With that said, within ALR's 40B application, Applicant specifically requested a waiver as to the timing of submittal of an impact analysis. The utility of an impact analysis is better served upon public hearing dialogue with the Board, which may refine the preliminary plans. As stated in its Comprehensive Permit application, ALR agrees to submit an impact analysis for the Board's review within the public hearing process and request that the Board and its peer review engineer work with the Applicant to address when such analysis may be submitted and reviewed within a continued public hearing.

Traffic Impact Analysis – Section 3.2.14

The completeness memo notes the date of the Traffic Impact Access Study (April 2014) and generally states that it is inconsistent with 3.2.14 of the local 40B regulations. The comment also states that there is no evidence of who prepared the report.

*Response:* The traffic study captioned “Traffic Impact and Access Study, Mugar Parcel 40B Residential Development,” dated April 2014 and prepared by MDM Transportation Consultants, Inc. (“MDM”) is found at Tab 6 of the submitted Comprehensive Permit Application. The traffic report was prepared by Robert Michaud of MDM, who made a brief presentation at the public hearing on September 30, 2016. Mr. Michaud’s credentials were submitted with the Comprehensive Permit Application at Tab 12. As stated within the continued public hearing on December 10, 2019, given the extensive delay in the public hearings in part owing to the length of the Board’s appeal to the HAC, Applicant will submit a revised Traffic and Impact Study (“TIAS”), to better reflect current traffic conditions and revisions to the project design based upon the updated survey work performed by the Project Engineers at BSC.

Within the December 10, 2019 hearing, ALR’s representatives informed the Board that Vanasse & Associates (“Vanasse”) had recently joined the ALR project team and would replace MDM as traffic consultants. Scott W. Thornton, P.E., a Senior Associate with Vanasse, introduced himself to the Board at that time. Further, as discussed during the December 2019 hearing, Mr. Thornton advised that he had reviewed the prior TIAS and would be updating the same. To better analyze the project’s traffic impacts, ALR’s representatives stated at the continued hearing that they wished to work through revisions to the site design initially with the Board’s review and to build upon an updated TIAS with that information to better inform Vanasse’s analysis. ALR requests to address the timing of the updated TIAS submittal at the conclusion of the site design topic hearing(s), presently scheduled for April 14.

Statement of Demonstration of Compliance with Master Plan/Open Space Plan – Section 3.2.16

The Completeness memo states that such statement was not included within the Comprehensive Permit application.

*Response:* While such a statement is not required under the 40B regulations at 760 CMR 56.05(2), it is noted that the Application included a statement as to consistency with sustainable development principles as found at Pages 23-25 of the Comprehensive Permit Application. The specific discussions included: (i) concentration of development and mixed uses; (ii) advancing equity; (iii) efficiency of decisions; (iv) protection of land and ecosystems; (v) use of natural resources wisely; (vi) expanded housing opportunities; (vii) provision of environmental friendly transportation choices (MBTA buses and trains, bike, zipcar); (viii) promotion of clean energy; (ix) investment in neighborhood and addressing housing need. Should the Board request an updated Statement based upon the revised project plans, the Applicant shall so provide in accordance with a mutually agreed upon submittal date.

*Roster of Development Team Members – Section 3.2.17*

The memo states only that the roster is “not complete”.

*Response:* Tab 12 of the Comprehensive Permit application provided a listing of each member of the development team, together with a biography and summary of experience of each team member. At the December 10, 2019 hearing, the Applicant introduced two new members of the team – John Hession of BSC and Scott W. Thornton of Vanasse; Mr. Hession/BSC will replace Mark Beaudry/Meridian Engineering as the project engineer and Mr. Thornton/Vanasse has replaced the prior traffic engineer, Bob Michaud/MDM. Both Mr. Hession and Mr. Thornton introduced themselves to the Board at the December 10 hearing and provided the Board with an overview of their experience. Should the Board desire CVs from Messrs. Hession and Thornton, we will provide the same at the upcoming continued hearing.

*List of Abutters/Copies of Application – Section 3.2.18*

The completeness memo states broadly that the abutters list, copies of application, etc. were not complete.

*Response:* The Applicant submitted the requisite copies (including both sizes of plans and form of media) of the Comprehensive Permit Application to the Town Clerk. Further, the certified abutters list is contained at Tab 11 of the Comprehensive Permit Application.

Together with this response, Applicant submits updated Preliminary Site Plans and Architectural Plans. Request was made of the Zoning Administrator and Town Counsel for specific direction as to numbers, size and form of submittal, given protective measures related to Covid19. Hard copies of the updated preliminary plans are being submitted in accordance with Town Counsel’s instructions in accordance with Attorney Heim’s response email of March 17, 2020.

*Payment of Filing Fee – Section 3.2.19*

The completeness memo states that the payment of filing fee was “unclear”.

*Response:* The filing fee was paid in full at the time of filing. A copy of the receipt is attached at Attachment E.



## Town of Arlington, Massachusetts

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### Docket #3515: Arlington Land Realty LCC (continuation)

#### **Summary:**

Arlington Land Realty LLC is seeking approval of the things...

Due to overwhelming interest in this project, we anticipate we will need to limit public comment to 2 minutes each...

Includes are the plans....

#### **ATTACHMENTS:**

Type	File Name	Description
<input type="checkbox"/> Report	ALRResponse_CompletenessRe.pdf	Completeness Review
<input type="checkbox"/> Legal Notice	Transmittaltr_3_19_2020.pdf	Transmittal Letter

**MEMORANDUM**

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To: Arlington Zoning Board of Appeals  
Fr: Stephanie Kiefer, Esq.  
Re: Response to Completeness Review Memo, Thorndike Place, Arlington, MA  
Date: March 18, 2020

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**Pro Forma – Section 3.2.12**

The completeness memo states that a complete pro forma was not included.

*Response:* The project's pro forma, setting out proposed costs and revenues, was included within the Project Eligibility application at Section V, pp. 14-16, a copy of which was provided to the Town. An additional copy of Section V is provided herein at Attachment D. In accordance with 760 CMR 56.05(6), pro forma review is not permitted to be undertaken by the Board unless, if nearing closing of public hearing, the Board has provided draft conditions to Applicant and Applicant has disputed proposed conditions or waiver denials. The Board cannot otherwise undertake review of financials. *See White Barn Lane, LLC v. Norwell Zoning Board of Appeals*, Decision, HAC Docket No. 08-05 (Decision dated July 18, 2011).

**Impact Analysis (Environmental and Municipal Facilities)– Section 3.2.13 and 3.2.15**

The completeness memo asserts that no impact analysis was provided.

*Response:* An impact analysis is not required under Chapter 40B or its implementing regulation at 760 CMR 56.05. With that said, within ALR's 40B application, Applicant specifically requested a waiver as to the timing of submittal of an impact analysis. The utility of an impact analysis is better served upon public hearing dialogue with the Board, which may refine the preliminary plans. As stated in its Comprehensive Permit application, ALR agrees to submit an impact analysis for the Board's review within the public hearing process and request that the Board and its peer review engineer work with the Applicant to address when such analysis may be submitted and reviewed within a continued public hearing.

Traffic Impact Analysis – Section 3.2.14

The completeness memo notes the date of the Traffic Impact Access Study (April 2014) and generally states that it is inconsistent with 3.2.14 of the local 40B regulations. The comment also states that there is no evidence of who prepared the report.

*Response:* The traffic study captioned “Traffic Impact and Access Study, Mugar Parcel 40B Residential Development,” dated April 2014 and prepared by MDM Transportation Consultants, Inc. (“MDM”) is found at Tab 6 of the submitted Comprehensive Permit Application. The traffic report was prepared by Robert Michaud of MDM, who made a brief presentation at the public hearing on September 30, 2016. Mr. Michaud’s credentials were submitted with the Comprehensive Permit Application at Tab 12. As stated within the continued public hearing on December 10, 2019, given the extensive delay in the public hearings in part owing to the length of the Board’s appeal to the HAC, Applicant will submit a revised Traffic and Impact Study (“TIAS”), to better reflect current traffic conditions and revisions to the project design based upon the updated survey work performed by the Project Engineers at BSC.

Within the December 10, 2019 hearing, ALR’s representatives informed the Board that Vanasse & Associates (“Vanasse”) had recently joined the ALR project team and would replace MDM as traffic consultants. Scott W. Thornton, P.E., a Senior Associate with Vanasse, introduced himself to the Board at that time. Further, as discussed during the December 2019 hearing, Mr. Thornton advised that he had reviewed the prior TIAS and would be updating the same. To better analyze the project’s traffic impacts, ALR’s representatives stated at the continued hearing that they wished to work through revisions to the site design initially with the Board’s review and to build upon an updated TIAS with that information to better inform Vanasse’s analysis. ALR requests to address the timing of the updated TIAS submittal at the conclusion of the site design topic hearing(s), presently scheduled for April 14.

Statement of Demonstration of Compliance with Master Plan/Open Space Plan – Section 3.2.16

The Completeness memo states that such statement was not included within the Comprehensive Permit application.

*Response:* While such a statement is not required under the 40B regulations at 760 CMR 56.05(2), it is noted that the Application included a statement as to consistency with sustainable development principles as found at Pages 23-25 of the Comprehensive Permit Application. The specific discussions included: (i) concentration of development and mixed uses; (ii) advancing equity; (iii) efficiency of decisions; (iv) protection of land and ecosystems; (v) use of natural resources wisely; (vi) expanded housing opportunities; (vii) provision of environmental friendly transportation choices (MBTA buses and trains, bike, zipcar); (viii) promotion of clean energy; (ix) investment in neighborhood and addressing housing need. Should the Board request an updated Statement based upon the revised project plans, the Applicant shall so provide in accordance with a mutually agreed upon submittal date.

*Roster of Development Team Members – Section 3.2.17*

The memo states only that the roster is “not complete”.

*Response:* Tab 12 of the Comprehensive Permit application provided a listing of each member of the development team, together with a biography and summary of experience of each team member. At the December 10, 2019 hearing, the Applicant introduced two new members of the team – John Hession of BSC and Scott W. Thornton of Vanasse; Mr. Hession/BSC will replace Mark Beaudry/Meridian Engineering as the project engineer and Mr. Thornton/Vanasse has replaced the prior traffic engineer, Bob Michaud/MDM. Both Mr. Hession and Mr. Thornton introduced themselves to the Board at the December 10 hearing and provided the Board with an overview of their experience. Should the Board desire CVs from Messrs. Hession and Thornton, we will provide the same at the upcoming continued hearing.

*List of Abutters/Copies of Application – Section 3.2.18*

The completeness memo states broadly that the abutters list, copies of application, etc. were not complete.

*Response:* The Applicant submitted the requisite copies (including both sizes of plans and form of media) of the Comprehensive Permit Application to the Town Clerk. Further, the certified abutters list is contained at Tab 11 of the Comprehensive Permit Application.

Together with this response, Applicant submits updated Preliminary Site Plans and Architectural Plans. Request was made of the Zoning Administrator and Town Counsel for specific direction as to numbers, size and form of submittal, given protective measures related to Covid19. Hard copies of the updated preliminary plans are being submitted in accordance with Town Counsel’s instructions in accordance with Attorney Heim’s response email of March 17, 2020.

*Payment of Filing Fee – Section 3.2.19*

The completeness memo states that the payment of filing fee was “unclear”.

*Response:* The filing fee was paid in full at the time of filing. A copy of the receipt is attached at Attachment E.

March 19, 2020

Via Email and First Class Mail

Christian Klein, Chair  
Town of Arlington  
Arlington Zoning Board of Appeals  
51 Grove Street  
Arlington, MA 02476

**RE: ZBA Docket #3515  
Thorndike Place, Arlington, MA**

Dear Chair Klein and Members of the Board,

In connection with the continuation of the public hearing scheduled for April 14, 2020, Applicant Arlington Land Realty LLC (“ALR”) looks forward to working with the Board in continuing presentation of the Thorndike Place housing development in accordance with M.G.L. c.40B. In advance of the continued public hearing, we are providing the Board with ALR’s response to the Board’s completeness review memo. The enclosed response also includes the updated Preliminary Site Plan set prepared by the project engineers at BSC and the updated Preliminary Architectural Plan set prepared by Arthur Klipfel, project architect. Hard copies of these plans sets are being sent directly to the Board by the project engineer and project architect. Please note that this submission is made via electronic pdf transmission, as requested by the Town’s Coronavirus Update of March 15, 2019. Hard copies of the filing are also being sent via first class mail, due to the restricted public access to Town Hall.

To date, we have not been advised whether the Board has contracted with a third-party peer review firm; should a peer reviewer have been designated, kindly advise so that we may directly provide a set of the updated site plans for its review. A check for the peer review fee is being separately sent under separate cover.

We look forward to continuation of the public hearing to present the Thorndike Place project to the Board. Should you have any questions, please do not hesitate to contact me.

Sincerely yours,

/Stephanie A. Kiefer/

Stephanie A. Kiefer

**SMOLAK & VAUGHAN LLP**

Encl.

Cc:    Paul Haverty, Esq.  
      Doug Heim, Esq.  
      Jon Witten, Esq.